

Remarks

This Application has been carefully reviewed in light of the final Office Action mailed April 10, 2003. Although Applicants believe all original claims are allowable without amendment, to expedite issuance of this Application, Applicants have made clarifying amendments to Claims 1, 5, 10, 14, and 17. None of these changes is considered necessary for patentability. These amendments do not raise new issues and will not require further searching. If the Examiner maintains the Examiner's rejections, these amendments will also place this Application in better condition for appeal. Accordingly, Applicants respectfully request that these amendments be entered. Applicants respectfully request reconsideration and allowance of all pending claims.

Applicants Have Made Earnest Attempt to Comply With 37 C.F.R. § 1.98(b)(5)

Applicants understand that, according to 37 C.F.R. § 1.98(b)(5), "[e]ach publication listed in an information disclosure statement must be identified by . . . date." Applicants again note that, after a reasonable effort, Applicants have been unable to locate the dates of the two references disclosed in the September 6, 2001 Information Disclosure Statement. Applicants appreciate the Examiner placing the information disclosure statement in the Applicants' file.

The Drawings Comply With 37 C.F.R. § 1.84(p)

The Examiner objects to the drawings "because it is not clear what reference number 110 are referring to in Figure 1." Applicants have proposed amendments to Figure 1 for approval. No new matter is added by these proposed amendments. Applicants respectfully request that the Examiner withdraw the Examiner's objection to the drawings.

Claims 14-16 Are Directed to Statutory Subject Matter

The Examiner rejects Claims 14-16 under 35 U.S.C. § 101 “because the claimed invention is directed to non-statutory subject matter. Both claims refer to a ‘program’ which can be rendered as non-statutory subject matter.” Independent Claim 14, as amended, recites “software embodied in computer-readable media and when executed operable to” provide certain functionality. Dependent Claims 15-16 each recite “[t]he software of Claim 14.” According to the M.P.E.P., “a claimed computer-readable medium encoded with a computer program . . . is . . . statutory.” M.P.E.P. § 2106 (2001) Applicants respectfully submit that Claims 14-16 recite statutory subject matter and respectfully request that the Examiner withdraw the rejection.

Applicants’ Claim Amendments are Clarifying Amendments

The Examiner states, “the Examiner acknowledges the Applicants’ amendment by adding new information to narrow the scope of Claims 1-2, 5, 10 and the addition of new Claims 13-19.” Applicants respectfully note for the record that all of Applicants’ previous and current claim amendments are clarifying amendments, at least some of which are clearly not narrowing.

Applicants’ Claims are Allowable Over the Proposed *Isreal-Shaw* Combination

The Examiner rejects Claims 1-2, 4-6, 8, and 10-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,330,007 to Isreal et al. (“*Isreal*”) in light of U.S. Patent No. 6,104,392 to Shaw et al. (“*Shaw*”). *Isreal* discloses a Dynakey Screen Generator (DSG) that is a tool for prototyping and specifying a graphical user interface having dynamic keys. (Column 2, Lines 13-16) The DSG allows a user interface designer (the “author”) to enter design specifications into forms. (Column 2, Lines 19-21) The design specifications cover the general, visual style of the user interface being designed, the specific design of each screen, and navigation among screens. (Column 2, Lines 21-23) Once the specifications

(stored in the Access database) have been entered, an "end user" (e.g., interface designer, developer, customer, potential end user) can immediately "run" the specification as an interactive prototype. (Column 2, Lines 23-27)

Isreal also discloses a Splash screen that shows title and copyright information and provides access to the prototyping and specification tool. (Column 9, Lines 22-24) The Splash screen opens when DSG.exe is run without command-line arguments. (Column 9, Lines 24-26) *Isreal* also discloses a setup dialogue box screen that allows the user to open an existing database, create a new database, and designate the locations of bit map directory folders. (Column 9, Lines 38-40) The data storage includes bit map directories which store bit maps that are available for use in the target application's user interface. (Column 8, Lines 26-28) Different directories store bit maps for different areas of the user interface (screen backgrounds, corners, dynakeys, dynakey backgrounds, electronic-receipt-area background and status). (Column 8, Lines 28-32) The data storage also includes an application database that stores the user interface specification for a target application. (Column 8, Lines 32-34) The setup dialogue box screen includes a select existing button that opens a standard "Open" Windows dialogue box which allows the user to select an existing database to view or author. (Column 9, Lines 44-47) Selecting a create new button opens the standard "Open" Windows dialogue box, which allows the user to specify the name of a new database to author. (Column 9, Lines 47-49) A bit map folder area shows the current folder for each type of bit map used by the prototyping tool. (Column 9, Lines 49-51)

Isreal also discloses a bit map folder dialogue box screen that allows the user to designate the folder that contains a particular type of bit map (the type that is highlighted in the setup dialogue box screen) used by the prototyping tool. (Column 9, Line 66, through Column 10, Line 2) *Isreal* also discloses a user screen that displays and allows interaction with the current screen in the prototyping tool being prototyped/specified (the "target" application). (Column 10, Lines 12-15) The user screen displays the target application's static keys, an optional weight slider, screen information (which can be turned on or off), and a control bar for accessing supplemental dialogue boxes. (Column 10, Lines 15-19)

Shaw discloses networked data processing environments using a client/server architecture and client-server systems where there exist one or more clients of varying capability connected via network connections of varying bandwidth and latency to one or more servers providing application services or database services to the connected clients. (Column 1, Lines 31-37) *Shaw* also discloses a network that includes three tiers. (Column 5, Lines 40-41) The first tier contains a variety of diverse client devices having different interfaces, all having a JAVA virtual machine interface to the second tier, or a thin client having a browser interface. (Column 5, Lines 44-49) The second tier comprises a UAP server having various engines or processes executing thereon together with various interfaces to the first tier and to the third tier. (Column 5, Lines 55-57) The third tier includes the various application servers, including a UNIX X Windows server, a Windows NT server, UNIX and IBM character-based application servers, directory services servers, the Internet, and various database servers. (Column 5, Line 60, through Column 6, Line 1) Client connections and requests are routed to the appropriate interfaces on the UAP server which in turn processes them using one of more of the UAP engines and obtains the requested service or data from the appropriate application server. (Column 6, Lines 19-23) The UAP server then returns to the client devices display requests from requested application and other data. (Column 6, Lines 23-25) According to *Shaw*, display engines are stored on the UAP server and are downloaded to a client device when needed. (Column 7, Lines 6-8)

Shaw also discloses that the UAP server includes a status manager engine, a data store engine, a session manager engine, a protocol engines, and the display engines. (Column 7, Lines 29-33) These engines cooperate to provide the central point of access to the client devices. (Column 7, Lines 33-34) The protocol engines and display engines provide the emulation necessary for the user to view and interact with applications. (Column 8, Lines 1-3) The protocol engines run on UAP server and perform the bulk of the emulation by acting as a client of its associated application type running on the network. (Column 8, Lines 7-10) The protocol engine understands the standard protocol the application types currently used. (Column 8, Lines 10-12) X Windows type applications would use a protocol engine that is

different from the protocol engine used for Microsoft Windows applications. (Column 8, Lines 12-14) The appropriate protocol engine translates the standard protocol request into an adaptive internet protocol that the display engine on the client device can display. (Column 8, Lines 14-17) According to *Shaw*, the display engines are preferably JAVA applets that are downloaded on demand by the client device. (Column 8, Lines 24-25) The display engines are small in size—around 200 kilobytes—and render the application on the client device display and allow input/output to the user. (Column 8, Lines 25-28) As a result, the display engines are quick to download, even over low-bandwidth networks. (Column 8, Lines 28-29)

In contrast, independent Claim 1 of the present Application, as amended, recites:

A system for communicating commercial transaction information between a Seller and a plurality of Buyers over a distributed data processing system, comprising:

a single database for maintaining a plurality of user interface metadata elements including at least component identifications and component properties;

a visual rule model for configuring a plurality of graphical user interface dialog pages utilizing the metadata and a plurality of dialog rules;

a plurality of rendering engines each adapted to respond to commands from the visual rule model and each further operable to construct a plurality of graphical user interface screens in a different language; and

a dialog manager operable to select one of the plurality of rendering engines for each Buyer based on a bandwidth of the Buyer's communication channel and further operable to pass at least the metadata elements to the selected rendering engine in order to dynamically construct a plurality of graphical user interface screens in the distributed data processing systems in order to allow the communication of information between the Seller and the plurality of Buyers necessary related to a potential commercial transaction.

Independent Claims 5, 10, 14, and 17 recite certain substantially similar limitations. Even assuming, for the sake of argument, that *Isreal* could be properly combined with *Shaw*, the proposed *Isreal-Shaw* combination would still fail to disclose teach or suggest limitations recited in independent Claim 1.

Isreal merely discloses a tool for prototyping and specifying a graphical user interface having dynamic keys. *Shaw* merely discloses clients of varying capability being connected to

a server via network connections of varying bandwidth and latency and receiving display engines that are preferably JAVA applets and that are quick to download because they are around 200 kilobytes in size. Nowhere does the proposed *Isreal-Shaw* combination in any way disclose, teach, or suggest a dialogue manager that selects one of a plurality of rendering engines for each of a plurality of buyers based on the bandwidth of the buyer's communication channel, as recited in Claim 1. For at least this reason, Applicants respectfully request reconsideration and allowance of independent Claims 1, 5, 10, 14, and 17 and all dependent claims that depend on independent Claims 1, 5, 10, 14, and 17, respectively.

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Conclusion

For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner believes that a telephone conference would advance prosecution of this Application, the Examiner is invited to contact Christopher W. Kennerly, Attorney for Applicants, at 214.953.6812 at the Examiner's convenience.

Applicants believe that no fees are due. Nonetheless, the Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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